## AC

### Part 1 is the Harms

Millions of women are battered each year, and thousands of cases are so serious that women are hospitalized or even killed, **Ayyildiz ‘95:**

Ayyildiz, Elisabeth. Litigation Attorney; J.D., Chicago-Kent College of Law “When Battered Woman’s Syndrome Does Not Go Far Enough: The Battered Woman as Vigilante.” Journal of Gender and the Law, Vol. 4.,1995

It is unclear how many women are affected by domestic violence. **While stat**istic**s** on the number of battered women **are alarming, they vary** wildly. The National Coalition Against Domestic Violence, for example, estimates that **more than** **twenty-seven million women will experience violence in their marriage and** that **eighteen million** women **are battered repeatedly every year.**’ However, the National Family Violence Survey shows that men's violence against women decreased by forty-three percent between 1985 and 1992. Whether or not the incidence of domestic violence has decreased, the National Family Violence Study, sponsored by the National Institute of Mental Health, estimates that **188,000** women per year are battered **severely enough to require medical attention. Moreover, the Federal Bureau of Investigations (FBI) estimates that 1,400 women**, about six percent of all murders, **were killed by their spouses or partners in 1992 alone**.' **The problem** of battered women, while perhaps not accurately quantifiable, **is grave.**

The impacts of such violence are horrific, NCADV ‘07:

(“Domestic Violence Facts.” National Coalition Against Domestic Violence. Every Home a Safe Home. NCADV Public Policy Office, Washington D.C. July 2007.”)

Domestic violence is the willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior perpetrated by an intimate partner against another. It is an epidemic affecting individuals in every community, regardless of age, economic status, race, religion, nationality or educational background. Violence against women [It] is often accompanied by emotionally abus[e]ive and controlling behavior, and thus is part of a systematic pattern of dominance and control. Domestic violence results in physical injury, psychological trauma, and sometimes death. The consequences of domestic violence can cross generations and truly last a lifetime. One in every four women will experience domestic violence in her lifetime. 1 An estimated 1.3 million women are victims of physical assault by an intimate partner each year. 2 85% of domestic violence victims are women. 3 Historically, females have been most often victimized by someone they knew. 4 Females who are 20-24 years of age are at the greatest risk of nonfatal intimate partner violence. 5 Most cases of domestic violence are never reported to the police. 6 Witnessing violence between one’s parents or caretakers is the strongest risk factor of transmitting violent behavior from one generation to the next. 7 Boys who witness domestic violence are twice as likely to abuse their own partners and children when they become adults. 8 30% to 60% of perpetrators of intimate partner violence also abuse children in the household. 9 One in 6 women and 1 in 33 men have experienced an attempted or completed rape. 10 Nearly 7.8 million women have been raped by an intimate partner at some point in their lives. 11 Sexual assault or forced sex occurs in approximately 40-45% of battering relationships. 12 1 in 12 women and 1 in 45 men have been stalked in their lifetime. 13 81% of women stalked by a current or former intimate partner are also physically assaulted by that partner; 31% are also sexually assaulted by that partner. 13 Almost one-third of female homicide victims that are reported in police records are killed by an intimate partner. 14 In 70-80% of intimate partner homicides, no matter which partner was killed, the man physically abused the woman before the murder. 12 Less than one-fifth of victims reporting an injury from intimate partner violence sought medical treatment following the injury. 15 Intimate partner violence results in more than 18.5 million mental health care visits each year. 16 The cost of intimate partner violence exceeds $5.8 billion each year, $4.1 billion of which is for direct medical and mental health services. 17 Victims of intimate partner violence lost almost 8 million days of paid work because of the violence perpetrated against them by current or former husbands, boyfriends and dates. This loss is the equivalent of more than 32,000 full-time jobs and almost 5.6 million days of household productivity as a result of violence. 17 There are 16,800 homicides and $2.2 million (medically treated) injuries due to intimate partner violence annually, which costs $37 billion. 18 Domestic violence is one of the most chronically underreported crimes. 20 Only approximately one-quarter of all physical assaults, one-fifth of all rapes, and one-half of all stalkings perpetuated against females by intimate partners are reported to the police. 1 Approximately 20% of the 1.5 million people who experience intimate partner violence annually obtain civil protection orders. 1 Approximately one-half of the orders obtained by women against intimate partners who physically assaulted them were violated. 1 More than two-thirds of the restraining orders against intimate partners who raped or stalked the victim were violated.

Police rarely arrest and usually only cause backlash, **Myers ‘95:[[1]](#footnote-1)**

In addition, a man seldom receives consequences that have the potential to reduce his assaultive behavior. Dutton (1998) estimated that **police make arrests in only 21% of calls** for which there is prima facie evidence of assault of the wife. He further found that **“for every 100 wife assaults**, about **14 are reported, 6** are **detected, 1.5 arrests** are **made,** .075 men are convicted, **and 0.37 men** are **punished with** a **jail** sentence **or a fine**. In one recent court case, a Maryland judge even stated that a woman’s infidelity was a justification for her husband to murder her. The judge reluctantly sentenced the murderer to 18 months in jail. **Further**more, **there are punishing consequences** when a woman tries to act outside the home to escape or avoid battering. **Calling the police produces** arrest infrequently and **additional battering frequently.** Leaving the home has one negative reinforcing consequence: eliminating battering. On the other hand, leaving may produce a host of punishers (leaving a familiar setting, crowded shelter, criticism from family and friends). Longer term increases in response effort include finding a new place to live and a job or other means of support. The woman and her children usually end up with a lower economic standard of living than they have in their present situation, another response cost for leaving. In contrast, a newly single man’s standard of living often increases because he is now supporting one person on an income that previously supported two or some. A frequent question concerning battered women is, “Why do they stay?” There are, or course, individual answers to this, but the conswuqnces of leaving—typically behavior reducers with little posivie reinforcement—provide some answers. Not the least of the further deterrents is the man’s stalking of his partner, his entreaties to reunite, and his threats against her, the children, or himself. Of the women murdered by their husbands, a majority are murdered while trying to leave or after they have left.

Trying to leave leads to more violence – killing the abuser is the safest choice, **Koons ‘06:**

(Koons, Judith E. [Associate Professor of Law, Barry University School of Law]. Gunsmoke and Legal Mirrors: Women Surviving Intimate Battery and Deadly Legal Doctrines. Journal of Law and Policy, 2006.)

The unworkability of a retreat rule is manifest when considering the phenomenon of separation assault. Legal scholars have defined separation assault as "the attack on the woman's body and volition in which her partner keeps her from leaving, retaliates for the separation, or forces her to return." The concept of separation assault recognizes that patterns of violence, already dramatic, often increase upon a woman's separation from a battering man. According to the Department of Justice, seventy-five percent of assaults occur when the abused party is divorced or separated from the abuser. Another study indicates that forty-five percent of murders of women arise out of a man's "rage over the actual or impending estrangement from his partner." Women who are separated from their spouses are three times more likely to be attacked than divorced women and twenty-five times more likely to be attacked than married women. Even a limited retreat rule, as had been carved out by the Florida Supreme Court, places women at increased risk of violence. It is at the moment of separation- the first physical move toward separation – that a battering man is prone to become more violent. A decision - or even a threat - to leave can trigger lethal violence. Because domestic violence is marked by power and control, attempting to exit a room may be considered "disobedience," spurring escalated violence. Resistance strategies (such as leaving a room) may force an abuser "to make his coercive power explicit. Any threat, however small, to the abuser's authority within the family is likely to be met with violence."According to one woman, "The best way to avoid [battering] was to show as little reaction as possible ... I didn't dare argue with him or challenge him - for fear of my life actually." Trying to exit past a raging man may be the final move of a woman seeking only to avoid violence. Killing a battering man may be the safest available alternative.

Non-deadly responses are ineffective and just worsen the situation – deadly force is literally the only option, **Ayyildiz 2:[[2]](#footnote-2)**To some, the death of the abuser may seem an inappropriate or excessive way for the battered woman vigilante to punish her abuser and repair the social order. Deadly force on the part of the battered woman, however, may be justified in several ways. First, **[D]eath may be necessary because lesser** degrees of **force may be insufficient. The battered woman may not be able to confront the batterer without a deadly weapon because of disparities in size, strength or emotional control. The lower degree of force** a woman typically exerts upon a man **may have little or no impact on a physically stronger abuser.** Indeed, [A]woman's lesser degree of force **[it] may only incite** a **vicious retaliation** by the abuser.

But in the status quo, women who kill their abusers are very likely to go to prison, **Lowry ‘11:**[[3]](#footnote-3)

But while I might cheer on the fictional Janice Soprano as she murders the fictional Richie Aprile, I would never advocate for women who have been abused to take such action in real life. There are obvious moral reasons for this, but there are practical reasons as well. After shooting Richie, Janice called her mob boss brother Tony Soprano to take care of cleaning up the mess and disposing of the body. And so Janice experienced no consequences from the murder except for her own grief. Not so for real-life victims of domestic violence who murder their abusers. The [a] study "Convicted Survivors: The Imprisonment of Battered Women Who Kill" by Elizabeth Ann Dermody Leonard demonstrates that **95.4 percent of battered women who kill their abusers are convicted of either first or second-degree murder and sentenced to lengthy** prison **terms.** Nearly all abused inmates will be released back into their communities without neededsupport.

Female victims of abuse, especially women of color, have higher conviction rates and longer sentences, **Jacobsen ‘07:**

Jacobsen, Carol. Director of the Michigan Women’s Justice and Clemency Project, Professor at University of Michigan, “When Justice is Battered.” Solidarity, October 2007. SR

**MOST**, IF NOT all, **women in prison come from abusive backgrounds**, including incest, domestic violence, emotional and/or physical abuse. Half of the women in U.S. prisons would not be there at all if they were men because of far fewer alternatives to prison for women, and because of gender-based crimes, including prostitution, crimes committed to support children when courts fail to go after deadbeat dads, and crimes committed against or under duress of an abuser. Estimates range between **40-80%** of women **convicted of murder acted in self-defense against** their **abusers.** Male aggression is evident in almost all homicides, even when women are the ultimate offenders. Unlike men, most women who kill do not have criminal histories. Women serving time for Murder I or II or Voluntary Manslaughter comprise about 10-15% of women in prison. One-third of murdered women are killed by male partners; only 4% of men are murdered by female partners. The number of men killed by female partners has gone way down over the years, due to public education, domestic violence education and shelters, and economic opportunities for women. Yet the number of women murdered by husband and boyfriends has not decreased significantly. Many women continue to face severe and life-threatening violence from male partners. In Michigan, one woman is murdered by a husband or boyfriend every five days. A study conducted by the Michigan Women’s Justice & Clemency Project (see Hastings Women’s Law Journal, 2007) of all homicide convictions and sentences in Oakland County over a three-year period from 1986 to 1988, revealed startling levels of discrimination against defendants who were victims of domestic violence. **These** domestic violence **victims had higher conviction rates** (78%) **and longer sentences than all** others charged with homicide, **including those with** previous **violent criminal records** (62%)**. African-American women were convicted at a higher rate** (80%) **than all others** (62%) of all others. Overall, a white female defendant who killed a white person could expect an average sentence of 10-30 years; however, if the woman was a victim of domestic violence her predicted sentence was life. Several women represented by the Clemency Project were convicted in Oakland County during that period, and are still in prison.

And in prison, women are just abused more, **Lind 2k:**[[4]](#footnote-4)

As Owen notes, **Human Rights Watch** recently focused on the sexual abuse of women in prison. Reviewing the evidence in an array of states, the organization **reported that** "our findings indicate that **being a woman in** U.S. state **prisons can be a terrifying experience."** For all too many women in US prisons, Human Rights Watch concluded, there is no escape from one's abuser. **There are ineffectual grievance procedures,** there is a **lack of employee accountability, and** there is **little to no public concern about the problem.**

### Part 2 is the Plan

Resolved: I defend that in the United States criminal justice system, jury nullification ought to be used in the instance of a battered woman who kills her abuser. I reserve the right to clarify the AC in CX to prevent misunderstandings so I meet an interp unless the neg asks me to comply and I refuse – prevents the neg from reading unfair binary interps that moots my AC, skewing time, and destroys substantive education. The plan solves – we acknowledge women had no other option and ensure they stay out of prison, **Ayyildiz 3** is the solvency advocate:

Rather than hate, as manifested by this community through its jury, **the justice system should urge compassion for battered women who kill**. Such compassion should be manifested **in the form of jury nullification.** The Supreme Court observed that "'one of the most important functions any jury can perform' in exercising its discretion.., is 'to maintain a link between contemporary community values and the penal system.""86 **Jury nullification is "not a 'defense' recognized by the law**, but is **rather a mechanism by which a jury**, acting as the community conscience, effectively is permitted to **disregard[s] the letter of the law by determining that applying it to a particular case would not be just**ified."' Juries, while finding that a defendant is technically guilty, may nonetheless refuse to convict. For example, jurors may be willing to regard acts that are excessive or punitive as self-defense. Some call this an expansive view of self-defense, others call it the popular acceptance of vigilantism." 9 Whatever the label, **juries** should be encouraged to refuse to convict when law and justice conflict. That is, they **should be encouraged to refuse to convict a battered woman who kills her batterer**, especially when BWS evidence and self-defense are unavailable to the defendant.

She continues:

One problem with jury nullification is that **juries do not know** that **they have the power to reject the law as unjust." While** jury **nullification is both** a **common law and** a **Constitutional** right**, only Maryland and Indiana instruct the jury that it** i**s free to reject the** judge's advice on the **law.** Proponents of a jury nullification instruction argue that "**failing to inform the jury of its power to nullify usurps its** basic **function**-that is, to serve as the conscience of the community and **to safeguard the individual** citizen **from unfair laws and oppressive prosecutorial practices.**"' Critics of nullification, on the other hand, contend that a nullification instruction would lead to chaos and anarchy

The “reasonable *man*” standard currently utilized precludes women from justifying self-defense, **Moran ‘10:**

Moran, Mayo. Professor of Law, University of Toronto “The Reasonable Person: A Conceptual Biography in Comparative Perspective.” Lewis and Clark Law Review, December 2010 SR

One of the most important roles of the reasonable person in criminal law is found **in** the law of **self-defence.** In that context, the reasonable person has long played a role in assessing whether the use of deadly force is culpable. To the extent that the actions of the accused mirror those of the reasonable person, those actions are considered justified by the criminal law and hence attract no criminal liability. However, when **courts** applied the reasonable man standard, they implicitly read their **assume**d standard case—**two parties** relatively **equal in size and strength**—into their understanding of the contours of self-defence. And so **for most of** the **history** of the law of self-defence,, the **reliance on the** reasonable person (or more accurately, **reasonable man**) **effectively precluded women who killed their abusive partners from** successfully **pleading self-defence.** Feminist critics of the criminal law accordingly began to examine the law of self-defence closely in order to understand why women who were typically responding to deadly violence were, unlike their male counterparts, unable to successfully claim that their actions were justified by the law of self-defence. Following the landmark article by Donovan and Wildman, feminist scholars and litigators began to tackle the question of just what role the reasonable person (at that time not coincidentally, the reasonable man) played in the exclusion of women from the law of self-defence.97 It turns out that when **courts** asked themselves under what circumstances a reasonable man would resort to the use of deadly force, they **concluded** that **only an imminent threat would be sufficient** to provoke such a response. And because this “barroom brawl” scenario served as the paradigm self-defence case, the imminence requirement became a key component of the defence. **However,** most women who killed their partners did so in very different situations—usually cases of prolonged abuse.Moreover, **since women are typically not as strong as men, they tended** not **to kill** during violent physical confrontations but instead were more likely to do so **when their abusive partners were vulnerable**, often asleep or drunk.But because these were not situations of immediate physical peril, they failed to satisfy the “imminence” requirement. This meant that most abused women who killed their partners were unable to claim that their actions were justified by the law of self-defence. **No reasonable man,** the **courts insist**ed**, would have killed in such a situation.**

Nullification solves – it allows jurors to imagine themselves in the defendant’s place rather than abstract their conduct to what’s considered “normal” or “reasonable,” **Freedman ’14:**

Freedman, Monroe H. Dean, Hofstra Law School “Jury Nullification: What it Is, and How to Do It Ethically.” Hofstra Law Review, Vol. 42, 2014

As mentioned, **jury nullification** is most important in cases in which the evidence is overwhelming against the defendant. Also, nullification **depends upon** the possibility of **getting** the **jurors** (or even just one juror) **to sympathize** sufficiently **with the defendant and** with **the defendant’s reason for having committed the crime. Those cases include**: conscientious anti-war activities; assisted suicide of a loved one who is terminally ill and in great pain; **a spouse who has suffered years of brutality and kills the abuser**; a defendant who is the victim of police abuse or of prosecutorial overreaching; use of medical marijuana; and a crime against an abortion provider.

### Part 3 is Framework

Ethical theorizing comes from the interaction of different ideas, but that can only occur meaningfully if we fix conditions that exclude particular voices. **Medina**[[5]](#footnote-5):

Foucault invites us to pay attention to the past and ongoing epistemic battles among competing power/knowledge frameworks that try to control a given ﬁeld. Different ﬁelds—or domains of discursive interaction—contain particular discursive regimes with their particular ways of producing knowledge. In the battle among power/ knowledge frameworks, some come on top and become dominant while others are displaced and become subjugated. Foucault's methodology offers a way of exploiting that vibrant plurality of epistemic perspectives, which always contains some bodies of experiences and memories that are erased or hidden in the mainstream frameworks that become hegemonic after prevailing in sustained epistemic battles. What Foucault calls ‘subjugated knowledges’ are forms of experiencing and remembering that are pushed to the margins and rendered unqualiﬁed and unworthy of epistemic respect by prevailing and hegemonic discourses. Subjugated knowledges remain invisible to mainstream perspectives; they have a precarious subterranean existence that renders them unnoticed by most people and impossible to detect by those whose perspective has already internalized certain epistemic exclusions. And with the invisibility of subjugated knowledges, certain possibilities for resistance and subversion go unnoticed. The critical and emancipatory potential of Foucaultian genealogy resides in challenging established practice of remembering and forgetting by excavating subjugated bodies of experiences and memories, bringing to the fore the perspectives that culturally hegemonic practices have foreclosed.

Thus, the standard is preventing exclusion of oppressed bodies. Pragmatism is a prerequisite to Ks of the system – different methodological options are limited to those recognized by dominant epistemologies. Before we can figure out how to replace a dominant institution, we must include people in theorizing to begin with. We must acknowledge feminist epistemology to reject patriarchal forces that oppress women’s’ ability to think. **Hall:**

Hall M. Ann Hall “Knowledge and Gender: Epistemological Questions in the Social Analysis of Sport” Sociology of Sport Journal University of Alberta 1985<http://www.humankinetics.com/acucustom/sitename/Documents/DocumentItem/9204.pdf> bhhs//sc

In this essay I want to focus on how taking account of **gender influences** our¶ knowledge structures and the ways in which knowledge is produced. I will be operating¶ from the assumption that although we have constructed a world of two genders, we must¶ uncover how gender differences have become the basis of social, economic, and political¶ inequality. In my view, there is an ideology of gender that not only influences **our understanding**¶ **of the social world[and]** but also the ways or **methodologies** we use **to comprehend[it]** the world-in short, our conduct of inquiry. The questions I want to ask here are rooted in¶ that rather formidable branch of modem philosophy known as epistemology: the study¶ of the origin, nature, methods and limits of knowledge.' Over the last decade we have¶ witnessed an explosion in research and theory about women's experience in the world.¶ We have learned much, but by necessity our intellectual journeys have become¶ more profoundly radical simply because "we cannot understand womyn and their lives¶ by adding facts about them to bodies of knowledge which take men, their lives, and their¶ beliefs as the human norm" warding & Hintikka, 1983:ix). The question then becomes¶ whether there can be a distinctive feminist epistemology, and if there is, what would it¶ look like.2 To put this another way, we must ask what counts as knowledge. Our experiences¶ as **womyn'[s experience] in an androcentric world** must **differ from** those of **men** who clearly do not¶ live in a gynocentric cosmos. **What has counted as knowledge**, until recently, **has been** based not on human experience but essentially **only male experience [making]** seen through male eyes.¶ Our **knowledge** of the social world and social life, and possibly even the natural world,¶ is **distorted so** that often **this "knowledge" does not make sense to womyn.** **In** asking whether there is a unique **feminist epistemology**, we are **challeng[es]**ging **the**¶ **origin**, nature, methods, **and limits of knowledge that have shaped** our understanding of¶ social **life**.

Accepting status quo systems of oppression excludes female debaters and judges from participating at the same level as their male counterparts.

Due to its scope and influence on the family, the patriarchy must be confronted by any liberation strategy, **Hooks:**

Feminism: a transformational politic written by bell hooks. <http://smashfacism.itgo.com/Feminism/transformational.html>

And, solving **the patriarchy is a pre-req**uisite **to** solving **other** modes of **oppression, it uniquely affects our** social **values** and cognitive states **in ways that make resisting other** forms of **domination impossible**, bell hooks , This knowledge seems especially important at this historical moment when black women and other women of color have worked to create awareness of the ways in which racism empowers white women to act as exploiters and oppressions. Increasingly this fact is considered a reason we should not support feminist struggle even though sexism and sexist oppression is a real issue in our lives as black women. It becomes necessary for us to speak continually about the convictions that inform our continued advocacy of feminist struggle. By calling attention to interlocking systems of domination-sex, race, and class, black women and many other groups of women acknowledge the diversity and complexity of female experience, of our relationship to power and domination. The intent is not to dissuade people of color from becoming engaged in feminist movement. Feminist struggle to end **patriarch[y]**al domination should be of primary importance to women and men globally because it is the foundation of all other oppressive structures but because it **is** that form of **[the] domination we are most likely to encounter** in an ongoing way in **everyday** life. Unlike other forms of domination, **sexism directly** shapes and **determines relations of power** in our private lives, in familiar social spaces, **in the** most intimate context – **home** - and in the intimate sphere of relations – family. Usually it is within family that **we witness coercive domination and learn to accept it, whether it be** domination of **parent over child, or male over female.** Even though family relations may be, and most often are, informed by acceptance of a politic of domination, they are simultaneously relations of care and correction. It is this convergence of two contradictory impulses-the urge to promote growth and the urge to inhibit growth that provides a practical setting for feminist critique, resistance, and transformation. Growing up in a black, working-class, father-dominated household, I experienced coercive adult male authority as more immediately threatening as more likely to cause immediate pain than racist oppression or class exploitation. It was equally clear that experiencing exploitation and oppression in the home made one feel all the more powerless when encountering dominating forces outside the home. This is true for many people. **If we are unable to resist and end domination in relations where there is care**, it seem totally unimaginable **[it is impossible to]** that we can **resist and end** it in **other institionalized relations of power.** If we cannot convince the mothers and/or fathers who care not to humiliate and degrade us, how can we imagine convincing or resisting an employer, a lover, a stranger who systematically humiliates and degrades? Feminist effort to end patriarchal domination should be of primary concern precisely because it insists on the eradication of exploitation and oppression in the family context and in all other intimate relationships. It is that political movement which most radically address[es] the person- the personal- citing the need for transformation of self, of relationships, so that we might be better able to act in a revolutionary manner, challenging and resisting domination, transforming the world outside the self. Strategically, **feminis**t **m**ovements **should be a central component of all other liberation struggles because it challenges** each of **us to alter** our person, **our personal engagement** (either as victims or perpetrators or both) **in a system of domination.** Feminism, as liberation struggle, must exist apart from and as part of the larger struggle to eradicate domination in all its forms.

Lastly is framing

1. Ethical theorizing comes from the interaction of different ideas, but that can only occur meaningfully if we fix conditions that marginalize particular voices. **Medina**:[[6]](#footnote-6)

Foucault invites us to pay attention to the past and ongoing epistemic battles among competing power/knowledge frameworks that try to control a given ﬁeld. Different ﬁelds—or domains of discursive interaction—contain particular discursive regimes with their particular ways of producing knowledge. In the battle among power/ knowledge frameworks, some come on top and become dominant while others are displaced and become subjugated. Foucault's methodology offers a way of exploiting that vibrant plurality of epistemic perspectives, which always contains some bodies of experiences and memories that are erased or hidden in the mainstream frameworks that become hegemonic after prevailing in sustained epistemic battles. What Foucault calls ‘subjugated knowledges’ are forms of experiencing and remembering that are pushed to the margins and rendered unqualiﬁed and unworthy of epistemic respect by prevailing and hegemonic discourses. Subjugated knowledges remain invisible to mainstream perspectives; they have a precarious subterranean existence that renders them unnoticed by most people and impossible to detect by those whose perspective has already internalized certain epistemic exclusions. And with the invisibility of subjugated knowledges, certain possibilities for resistance and subversion go unnoticed. The critical and emancipatory potential of Foucaultian genealogy resides in challenging established practice of remembering and forgetting by excavating subjugated bodies of experiences and memories, bringing to the fore the perspectives that culturally hegemonic practices have foreclosed.

Discussing individual actions within the US CJS should take priority to Ks of the system– different methodological options are limited to those that are recognized by dominant epistemologies. Undoubtedly, as citizens of the US, we’re going to serve on juries, and so we’ll have to make a decision about whether this is relevant. Before we can figure out the best option to resist or replace a dominant institution, we must take concrete steps to give the excluded a chance to participate in theorizing to begin with.

2. Structural violence limits whom they apply to on the basis of unjustifiable conceptual categories. We need to create systems and focus on strategies to stop that and make our ethical categorizing meaningful. **Winter and Leighton ’99**:[[7]](#footnote-7)

Finally, to recognize the operation of structural violence forces us to ask questions about how and why we tolerate it, questions which often have painful answers for the privileged elite who unconsciously support it. A final question of this section ishow and why we allow ourselves to be so oblivious to structural violence. Susan Opotow offers an intriguing set of answers, in her article Social Injustice. She argues that our normal perceptual/cognitive processes divide people into in-groups and out-groups. Those outside our group lie outside our scope of justice. Injustice that would be instantaneously confronted if it occurred to someone we love or know is barely noticed if it occurs to strangers or those who are invisible or irrelevant. We do not seem to be able to open our minds and our hearts to everyone, so we draw conceptual lines between those who are in and out of our moral circle. Those who fall outside are morally excluded, and become either invisible, or demeaned in some way so that we do not have to acknowledge the injustice they suffer. Moral exclusion is a human failing, but Opotow argues convincingly that it is an outcome of everyday social cognition. To reduce its nefarious effects, we must be vigilant in noticing and listening to oppressed, invisible, outsiders. Inclusionary thinking can be fostered by relationships, communication, and appreciation of diversity.Like Opotow, all the authors in this section point out that structural violence is not inevitable if we become aware of its operation, and build systematic ways to mitigate its effects. Learning about structural violence may be discouraging, overwhelming, or maddening, but these papers encourage us to step beyond guilt and anger, and begin to think about how to reduce structural violence. All the authors in this section note that the same structures (such as global communication and normal social cognition) which feed structural violence, can also be used to empower citizens to reduce it.

The role of the ballot is to resist the imposition of dominant ideology on marginalized groups in educational spaces. **Trifonas:**

Trifonas, Peter. PEDAGOGIES OF DIFFERENCE: RETHINKING EDUCATION FOR SOCIAL CHANGE. New York, London. 2003.

Domination and subordination, I imply that they are relations of power. In an educational context, the exercise of **power is accomplished in interactions** (i.e., in a social organization), manifesting itselfas acts **of** exclusion, **marginalization**, silencing, and so forth. Thus**,** **paying attention to** how **power** operatesalong axes of gender, race, class, and ability (that is, recognizing that social differences are not given, but are accomplished in and through educational settings) **is a step toward educational equity**. What does the above discussion mean in the educational context? It means that in the interactions of teachers with students in the classroom, or in other contexts, attention needs to be directed toward how **dominant** andsubordinate **relations** (be they based on race, gender, class, or ability) **permeate these contexts and** intersect in complicated ways to **produce inequality** and marginalization. The frequently used and well-meaning phrase, “I treat everyone the same, ” often used by teachers and administrators to indicate their lack of bias in a diverse educational setting, in fact masks unequal power relations. Similarly, **educational policies that assume** that **people are** the same or **equal** may serve to **entrench existing inequality** precisely because **people enter into the educational process with different** and unequal **experiences**. These attempts, well meaning though they may be, tend to render inequality invisible, and thus work against equity in education. In her exploration of white privilege in higher education in the United States, Frances Rains (1998), an aboriginal-Japanese American woman, states emphatically that these benign acts are disempowering for the minority person because they erase his or her racial identity. The denial of racism in this case is in fact a form of racism. Thus, in moving toward equity in education that allows us to address multiple and intersecting axes of difference and inequality, I recommend that **we try to** think and **act “against the grain” in** developing **education**al policies and handling various kinds of pedagogical situations. 5 To work against the grain is to recognize that education is not neutral; it is contested. Mohanty puts it as such: … [E]ducation represents both a struggle for meaning and a struggle over power relations. [It is] a central terrain where power and politics operate out of the lived culture of individuals and groups situated in asymmetrical social and political positions. (Mohanty 1990:184) We need to develop a critical awareness of the power dynamics operative in institutional relations-and of the fact that people participate in institutions as unequal subjects. Working against the grain is to take a proactive approach to understanding and acting upon institutional relations, whether in the classroom, in other interactions with students, or in policy development. **Rather than overlooking** the embeddedness of gender, race, class, ability, and other **forms of inequality** that shape our interactions, **working against the grain makes explicit** the political nature of education and **how power operates to** privilege, silence, and **marginalize individuals** who are differently located in the educational process.

A focus on abstract theorizing instead of coming up with actual concrete proposals that engage the material world is infinitely regressive and ensures that nothing gets done. **Bryant[[8]](#footnote-8):**

I would love, just for a moment, to hear a radical environmentalist talk about his ideal high school that would be academically sound. How would he provide for the energy needs of that school? How would he meet building codes in an environmentally sound way? How would she provide food for the students? What would be her plan for waste disposal? And most importantly, how would she navigate the school board, the state legislature, the federal government, and all the families of these students? What is your plan? What is your alternative? I think there are alternatives. I saw one that approached an alternative in Rotterdam. If you want to make a truly revolutionary contribution, this is where you should start. Why should anyone even bother listening to you if you aren’t proposing real plans? But we haven’t even gotten to that point. Instead we’re like underpants gnomes, saying “revolution is the answer!” without addressing any of the infrastructural questions of just how revolution is to be produced, what alternatives it would offer, and how we would concretely go about building those alternatives. Masturbation. “Underpants gnome” deserves to be a category in critical theory; a sort of synonym for self-congratulatory masturbation. We need less critique not because critique isn’t important or necessary– it is –but because we know the critiques, we know the problems. We’re intoxicated with critique because it’s easy and safe. We best every opponent [and] with critique. We occupy a position of moral superiority with critique. But do we really do anything with critique? What we need today, more than ever, is composition or carpentry. Everyone knows something is wrong. Everyone knows this system is destructive and stacked against them. Even the Tea Party knows something is wrong with the economic system, despite having the wrong economic theory. None of us, however, are proposing alternatives. Instead we prefer to shout and denounce. Good luck with that.

**Critical pedagogy** necessitates focus on strategies to solve for oppression – the res is a starting point for teaching students to make power accountable, **Giroux:[[9]](#footnote-9)**

“Higher **education must be understood as a democratic** public **sphere** - a space in **which** education **enables students to** develop a keen sense of prophetic justice, **claim their** moral and political **agency,** utilize critical analytical skills, **and cultivate an ethical sensibility through which they learn to respect the rights of others.** Higher **education has a responsibility** not only to search for the truth regardless of where it may lead, but also **to educate students to make authority and power** politically and morally **accountable** while at the same time sustaining a democratic, formative public culture. Higher education may be one of the few public spheres left where knowledge, values and learning offer a glimpse of the promise of education for nurturing public values, critical hope and a substantive democracy. **Democracy places civic demands upon its citizens, and such demands point to the necessity of an education that is** broad-based, **critical,** and supportive of meaningful civic values, participation in self-governance, and democratic leadership. Only through such a formative and critical educational culture can **students** learn how to become individual and social agents, **rather than** merely **disengaged spectators, [must be] able** both **to** think otherwise and to act upon civic commitments that **demand a reordering of** basic **power arrangements** fundamental to promoting the common good and producing a meaningful democracy.

We must at least attempt to break these chains of oppression otherwise we will inevitably allow for a morally bankrupt education system**.** Debate needs to engage with solutions to material problems. Focus on ideal worlds or general theory is an abstraction that’s just intellectual gymnastics used by the privileged to escape hard conversations, perpetuating real oppression; judges need to take responsibility. **Smith:**

Elijah Smith http://victorybriefs.com/vbd/2013/9/a-conversation-in-ruins-race-and-black-participation-in-lincoln-douglas-debate

It will be uncomfortable, it will be hard, and it will require continued effort but the necessary step in fixing this problem, like all problems, is the community as a whole admitting that such a problem with many “socially acceptable” choices exists in the first place. Like all systems of social control, **the reality of racism in debate is constituted by** the singular **choices that institutions, coaches, and students make** on a weekly basis. I have watched countless rounds where **competitors** attempt to win by **rush**ing **to abstractions to distance the conversation from the material reality** that **black debaters are forced to deal with** every day. One of the students I coached, who has since graduated after leaving debate, had an adult judge write out a ballot that concluded by “hypothetically” defending my student being lynched at the tournament. Another debate concluded with a young man defending that we can kill animals humanely, “just like we did that guy Troy Davis”. **Community norms** would **have competitors do intellectual gymnastics** or make up rules to accuse black debaters of breaking **to escape hard conversations** but as someone who understands that experience, **the only constructive strategy is to acknowledge the reality of the oppressed**, engage the discussion from the perspective of authors who are black and brown, and then find strategies to deal with the issues at hand. It hurts to see competitive seasons come and go and have high school students and judges spew the same hateful things you expect to hear at a Klan rally. **A student should not**, when presenting an advocacy that aligns them with the oppressed, **have to justify why oppression is bad.** Debate is not just a game, but a learning environment with liberatory potential. Even if the form debate gives to a conversation is not the same you would use to discuss race in general conversation with Bayard Rustin or Fannie Lou Hamer, that is not a reason we have to strip that conversation of its connection to a reality that black students cannot escape. Current coaches and competitors alike **dismiss[ing] concerns of** racism and **exclusion, won’t teach** other **students anything** about identity in debate **other than how to** shut down competitors who engage in alternative styles and discourses, and **refuse to engage in those discussions even outside of a tournament setting.**

## Extensions

### Start on the harms

Extend **Ayyildiz ‘95** – Millions of women are battered each year, and thousands of cases are so serious that women are hospitalized or even killed

Police, trying to leave, and non-deadly force are all limited in effectiveness and just lead to backlash – that’s **Myers**, **Koons, and Ayyildiz 2:[[10]](#footnote-10)**Extend **Lowry ’11,** over 90 percent of battered women who kill their abusers are convicted and sentenced to lengthy terms. They’re disproportionately punished, especially women of color, that’s. **Jacobsen ‘07:**

And extend **Lind 2k**, women are further abused in prison with no recourse.

### Extend the plan and solvency –

**Ayyildiz 3**, the solvency advocate, explains that nullification is a means for us to disregard unjust law that just leads to violence against women.

(\_) Within **Ayyildiz 3** and the plan text, extend that jury nullification is not a legal defense, or a defense recognized by law, it’s a mechanism for us to take action in spite of the law – means I don’t work within the system.

(\_) Extend that **Ayyildiz 3** recognizes the importance of informing the jury….

Extend **Moran ’10** – the “reasonable *man*” standard currently utilized precludes women from justifying self-defense, they abstract away from the actual problems women must deal with in abusive relationships.

Nullification solves – it allows jurors to imagine themselves in the defendant’s place rather than abstract their conduct to what’s considered “normal” or “reasonable,” that’s **Freedman ’14.**

### On framework –

Ethical theorizing can only occur if we meaningfully include marginalized voices. Extend Medina – limiting oppression is a key prerequisite to ethical considerations.

(\_) Extend that pragmatic policies come prior to kritiks of the system – different methodological options are limited to those that are recognized by particular epistemologies. Before we can figure out the best option to resist or replace a dominant institution, we must take concrete steps to give people the chance to participate in theorizing to begin with.

Extend Hall 85; we must acknowledge feminist epistemology to ensure that our mind isn’t influenced by patriarchal forces that oppress womens’ ability to think.

(\_) Extend that this comes before theory because accepting status quo systems excludes female debaters and judges from participating at the same level as their male counterparts, which is worse than any fairness skew on scope and severity and precludes education. So the ROB precludes his [X]

Extend Hooks – Oppression to women is the root cause of other oppression and outweighs on scope. We encounter it most often in our daily lives and it shapes our familial relationships which normalize oppression right from when we’re born.

Extend Trifonas. Educational spaces cannot be neutral, there must be unique focuson preventing the imposition of dominant ideologies that exclude debaters – that’s the role of the ballot.

**Critical pedagogy** necessitates focus on strategies to solve for oppression. Extend Giroux –(\_) Ivory tower theorizing and discussion of ideal worlds or theories divorces us from educational discussion about tangible real world oppression that prepares us to be good citizens and challenge dominant institutions of power. He fails to meet my role of the ballot – he just goes for [X].

(\_) The resolution must be the starting point – we use topical debate to focus in on real world oppression we can discuss the impacts of and solutions to.

**Extend Smith –** Abstraction away from oppression excludes minority debaters by prioritizing esoteric philosophical principles over their everyday experiences. Theory and framework arguments are an attempt by white debaters to distance themselves from hard conversations – Smith says you need to hold such debaters accountable for their discourse and step up appropriately, punishing them with the ballot. His [X] is obviously just trying to move the round away from the oppression the AC tries to address – this is a voting issue.

## Frontlines

### A/T Reformism/government action/etc. bad

We must use the institutions that exercise power to change them, **Grossburg 92** writes[[11]](#footnote-11)

**The Left needs institutions which can operate within the systems of governance**, understanding that such institutions are the mediating structures by which power is actively realized. It is often **by directing opposition against specific institutions** that **power can be challenged**. The Left has assumed from some time now that, since it has so little access to the apparatuses of agency, its only alternative is to seek a public voice in the media through tactical protests. The Left does in fact need more visibility, but it also needs greater access to the entire range of apparatuses of decision making and power. Otherwise, the Left has nothing but its own self-righteousness. It is not individuals who have produced starvation and the other social disgraces of our world, although **it is individuals who must take responsibility** for eliminating them. But to do so, **they must act within organizations**, and within the system of organizations **which** in fact **have** **the capacity** (as well as the moral responsibility) **to fight them**. Without such organizations, the only models of political commit­ment are self-interest and charity. Charity suggests that we act on behalf of others who cannot act on their own behalf. But we are all precariously caught in the circuits of global capitalism, and every­one’s position is increasingly precarious and uncertain. It will not take much to change the position of any individual in the United States, as the experience of many of the homeless, the elderly and the “fallen” middle class demonstrates. Nor are there any guarantees about the future of any single nation. We can imagine ourselves involved in a politics where acting for another is always acting for oneself as well, a politics in which everyone struggles with the resources they have to make their lives (and the world) better, since the two are so intimately tied together! For example, we need to think of affirmation action as in everyone’s best interests, because of the possibilities it opens. We need to think with what Axelos has described as a “planetary thought” which “would be a coherent thought—but not a rationalizing and ‘rationalist’ inflection; it would be a fragmentary thought of the open totality—for what we can grasp are fragments unveiled on the horizon of the totality. Such a politics will not begin by distinguishing between the local and the global (and certainly not by valorizing one over the other) for the ways in which the former are incorporated into the latter preclude the luxury of such choices. **Resistance is** always **a local struggle, even when** (as in parts of the ecology movement) it **is imagined to connect into its global structures of articulation**: Think globally, act locally. Opposition is predicated precisely on locating the points of articulation between them, the points at which the global becomes local, and the local opens up onto the global. Since the meaning of these terms has to be understood in the context of any particular struggle, one is always acting both globally and locally: Think globally, act appropriately! Fight locally because that is the scene of action, but aim for the global because that is the scene of agency. “Local struggles directly target national and international axioms, at the precise point of their insertion into the field of imma­nence. This requires the imagination and construction of forms of unity, commonality and social agency which do not deny differences. Without such commonality, politics is too easily reduced to a ques­tion of individual rights (i.e., in the terms of classical utility theory); difference ends up “trumping” politics, bringing it to an end. The struggle against the disciplined mobilization of everyday life can only be built on affective commonalities, a shared “responsible yearning: a yearning out towards something more and something better than this and this place now.” The Left, after all, is defined by its common commitment to principles of justice, equality and democ­racy (although these might conflict) in economic, political and cultural life. It is based on the hope, perhaps even the illusion, that such things are possible. **The construction of an affective commonal­ity attempts to mobilize people in a common struggle**, despite the fact that they have no common identity or character, **recognizing that they are the only force capable of providing** a new historical and oppositional **agency. It strives to organize minorities into a new majority.**

We ought to role-play policymakers – it’s the most educational part of debate. Shaw ‘01:

[Carolyn M. Shaw, “Pedagogy in International Studies: Using Role-Play Scenarios in the IR Classroom: An Examination of Exercises on Peacekeeping Operations and Foreign Policy Decision Making.” Wichita State University. 2001. AS 2/28/14]

The use of role-playing in the classroom provides an alternative method for presenting [a] course materials in contrast to lecturing. Although some materials can be conveyed well through an oral presentation, **many concepts** in international relations **only become less abstract when the student can apply them directly or experience them personally** (Preston, 2000). ‘‘To the extent that [students] engage in constructing new knowledge or reconstructing given information, rather than simply memorizing it, they gain a deeper understanding’’ (King, 1994:16). Merryﬁeld and Remy (1995:8) similarly note that ‘‘**students master content not only by being exposed to information** through readings and lectures...**but also by engaging in a reﬂective process in which they make the information their own by evaluating and using it.’’** Since class trips abroad are beyond the scope of most courses, simulations can be used to place students in a unique international context or position which they would otherwise be unable to experience, and give them the opportunity to gain a deeper understanding of the material. One challenge that instructors face is the trade-off in terms of coverage of material and the time it takes to conduct an active learning exercise. Such exercises usually take more time than covering the same materials in lecture format (Boyer et al., 2000:4). The key to using role-playing effectively without sacriﬁcing too much content is to plan the exercise carefully to provide interactive examples of the course materials. Frequently this can be done in coordination with a preparatory lecture. The concepts can be introduced prior to the exercise, and then participation in the exercise provides the students with concrete examples of more abstract theories and ideas presented in the lecture. **For example**, [I.E.] **when learning about the bureaucratic politics model of foreign policy decision making,** students are often frustrated that the government actors involved cannot simply ‘‘reach a consensual agreement and do what’s best for our country.’’ **By actually taking on the roles of the different agencies involved in foreign policy making, students begin to understand the underlying conﬂicts between these actors and the challenge of clearly deﬁning what is in our ‘‘national interest.’’**

### A/T Speaking for others

1. Assumes I don’t identify as female

2. Women are so marginalized marginalized in the squo that they have no political voice or conduit through which they can use their discourse, I am forced to present these issues as a gate-way to giving them a voice

## Topicality

CX checks

### RVIs

**1. Reciprocity:** my opponent can collapse to T or substance, while I need to win T and substance, forcing me to do twice as much work to win. Reciprocity key to fairness since it ensures equal access to the ballot. Proves structural abuse – 2:1 skew outweighs.

**2. Time-Skew:** It takes very little time to spew out abuse stories, but I have to spend lots of time beating T back since it’s a game over issue for me, so RVIs are necessary to prevent it from being used as a time-suck. Time is key since it constrains our ability to debate and win.

**3.** Without the threat of losing on RVIs, debaters can run T against any aff, creating a proliferation of bad T that detracts from substantive education.

**4.** Using time on T puts me at a disadvantage on the substantive debate, thus skewing the round before we even get to substance, meaning that the ONLY fair place to vote is on T, as that is the only layer of the debate that isn’t skewed.

**5.** If I’m winning a counter-interp then that means I’m the better debater on the highest layer of the flow, T, so don’t force me to also have to be the better substantive debater.

**6.** If I win my counter-interp, then that shows that my opponent’s interp was attempting to exclude my legitimate, fair, arguments. To arbitrarily exclude certain arguments is the definition of an abusive practice and precludes legitimate ground which is key to fairness because it dictates my ability to form arguments and win. This also links to education because it proves my opponent was preventing substantive, educational ground on the topic.

## Misc

community's conscience and the possible belief that the battered

Moreover, if the right of jury nullification is part of the law, then

attorneys should be able to argue it. In other words, they should not

be restricted to arguing only the law of the crime with which their

client is charged. 22 Whether in the form of an instruction from the

judge or an attorney's closing argumentjuries should be informed of

their nullification power, especially in cases where battered women

have killed their abusers. While a battered woman may have technical-

ly violated the law, the jury should be permitted to reflect th

woman may have been morally justified in her action. This is not to

say that all juries must absolve all battered women who kill. Rather,

juries must be informed of, and allowed to exercise, their prerogative

to choose justice over the law.

Encouraging jury nullification for battered women is not a radical

proposal. Indeed, there are signs that juries have been more lenient

with victims of abuse.03°

The justice system, however, through

instruction or argument to the jury, should encourage juries to act as

the moral reflection of the community and acquit battered women

who kill.

The Supreme Court, however, leaves abuse victims without

recourse. While the Court discourages vigilantism, it also holds that

the United States Constitution provides no protection for victims of

abuse:

**[N]** othing in the language of the Due Process Clause itself requires

the State to protect the life, liberty, and property of its citizens

against invasion by private actors. The Clause is phrased as a

limitation on the State's power to act, not as a guarantee of certain

minimal levels of safety and security.

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    [↑](#footnote-ref-2)
3. Hit Her Once, She'll Shoot You Dead: Did Janice Soprano Have It Right? Mary Pauline Lowry Posted: 09/19/11 11:42 AM ET [↑](#footnote-ref-3)
4. From Bad to Worse Review of Harsh Punishment: International Experiences of Women's Imprisonment by Meda Chesney-Lind The Women's Review of Books, Vol. 17, No. 5 (Feb., 2000), p. 7 [↑](#footnote-ref-4)
5. José Medina [Professor of Philosophy at Vanderbilt] "Toward a Foucaultian Epistemology of Resistance: Counter-Memory, Epistemic Friction, and Guerrilla Pluralism", Foucault Studies No. 12 (2011), 9-35. [↑](#footnote-ref-5)
6. José Medina [Professor of Philosophy at Vanderbilt] "Toward a Foucaultian Epistemology of Resistance: Counter-Memory, Epistemic Friction, and Guerrilla Pluralism", Foucault Studies No. 12 (2011), 9-35. [↑](#footnote-ref-6)
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8. Levi Bryant November 11, 2012, Underpants Gnomes: A Critique of the Academic Left, larvalsubjects, http://larvalsubjects.wordpress.com/2012/11/11/underpants-gnomes-a-critique-of-the-academic-left/ [↑](#footnote-ref-8)
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     [↑](#footnote-ref-10)
11. Lawrence Grossburg, University of Illinois, We Gotta Get Outta This Place, 1992, p. 391-393 [↑](#footnote-ref-11)